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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mai Shen-Chih et al.                      Art Unit : 1646  
Serial No. : 09/998,196                                  Examiner : Kaufman, Clarie M  
Filed : December 3, 2001  
Title : MONOCLONAL ANTIBODIES FOR THE DETECTION OF DECOY  
RECEPTOR 3, HYBRIDOMAS PRODUCING SAID ANTIBODIES AND USES  
THEREOF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF AVAILABILITY

I, Y. Rocky Tsao, hereby declare:

1. I am an attorney of record in the above-captioned patent application.
2. Anawrahta Biotech Co., Ltd. (11F., NO. 27-6, Sec.2 Jungjeng E. Road, Danshuei Jen, Taipei, 251, Taiwan, R.O.C.) is the assignee of the entire right, title and interest in the invention described and claimed in the above-captioned patent application.
3. Under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, two (2) hybridoma strains of this invention, i.e., 3H5 and 9A10C3, were deposited by co-inventors Dr. Mai Shen-Chih and Dr. Liu Shih-Jen on September 25, 2001 with the China Center for Type Culture Collection (CCTCC), Wuhan University, Wuhan 430072, P. R. China, where they were given Accession Numbers CCTCC C200112 and CCTCC C200113, respectively. The deposited strains were in the possession of Drs. Mai Shen-Chih and Liu Shih-Jen at the time of filing of the above-captioned application.
4. Anawrahta Biotech Co., Ltd agrees that upon allowance and issuance of the above-captioned patent application as a United States Patent, all restrictions on the availability to the

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Feb. 25, 2004

*Deborah P. East*

DEBORAH P. EAST

public of the deposit will be irrevocably removed, and until such time, the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. § 122.

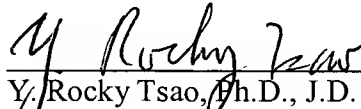
5. Anawrahta Biotech Co., Ltd further agrees that the deposited material will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five (5) years after the most recent request for the furnishing of a sample of the deposited material, and in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer and that the deposited material will be replaced if the depository should be unable to furnish a sample when requested due to the condition of the deposit, such as inviability, contamination, or loss of capability to function in the manner described in the specification.

6. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: \_\_\_\_\_

2-24-04

  
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Attorney for Applicants  
Reg. No. 34,053

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## CHINA CENTER FOR TYPE CULTURE COLLECTION

Wuhan University, Wuhan 430072 P. R. China Fax: (027)87883833, E-mail: cctcc@whu.edu.cn

### BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

TO: (Name and Address of Depositor or Attorney)

Anwarahta Biotech Co., Ltd, Taiwan, China

Deposited on Behalf of:

Anwarahta Biotech Co., Ltd, Taiwan, China

Identification Reference by Depositor:

Hybridoma 3H5

CCTCC Designation:

CCTCC C 200112

The deposit was accompanied by: \_\_\_\_\_ a scientific description \_\_\_\_\_ a proposed taxonomic description indicated above.

The deposit was received September 25, 2001. by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample.

The viability of the culture cited above was tested October 13, 2001. On that date, the culture was viable.

International Depository Authority: China Center for Type Culture Collection (CCTCC).

Signature of person having authority to represent CCTCC:

*Chengxiang Fang* Date: October 13, 2001  
Chengxiang Fang, Deputy Director of CCTCC





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### BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

**TO: (Name and Address of Depositor or Attorney)**

Anwarahtha Biotech Co., Ltd, Taiwan, China

Deposited on Behalf of:

Anwarahtha Biotech Co., Ltd, Taiwan, China

Identification Reference by Depositor:

Hybridoma 9A10C3

CCTCC Designation:

CCTCC C 200113

The deposit was accompanied by: \_\_\_\_\_ a scientific description \_\_\_\_\_ a proposed taxonomic description indicated above.

The deposit was received September 25, 2001. by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:**

We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive.

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Signature of person having authority to represent CCTCC:

*Chengxiang Fang*

Date: October 13, 2001

Chengxiang Fang, Deputy Director of CCTCC

